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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,602	10/17/2003	Yasuo Ishiguro	82478-1500	2432
21611 7590 05/01/2007 SNELL & WILMER LLP (OC) 600 ANTON BOULEVARD SUITE 1400 COSTA MESA, CA 92626			EXAMINER DARNO, PATRICK A	
			ART UNIT 2163	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/688,602

Applicant(s)

ISHIGURO ET AL.

Examiner

Patrick A. Darno

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 17 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 17 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-3, 17, and 20 have been amended. Claims 4-16 and 18-19 have been cancelled.

Therefore, claims 1-3, 17, and 20 are pending in this office action.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication Number 2004/0236736 issued to Ronald M. Whitman et al. (hereinafter "Whitman") and further in view of U.S. Patent Number 6,571,241 issued to Makifumi Nosohara (hereinafter "Nosohara").

#### **Claim 1:**

Whitman discloses a data searching apparatus that searches a database of data files for a desired data file (*Whitman: paragraph [0005], lines 8-10 and paragraph [0032] and Fig. 1*), based on a search condition set by a user (*Whitman: paragraph [0006], lines 1-10 and paragraph [0029] and paragraph [0032] and Fig. 1*), the data searching apparatus comprising:

a receiving unit operable to receive, from the user, a search query that is a logical formula including an AND search query and an OR search query (*Whitman: paragraph [0006], lines 1-2 and paragraph [0047], lines 6-10 and paragraph [0047], lines 16-22; Note the Whitman reference discloses a logical AND operator. Furthermore, the Whitman reference suggests that other types of searches are possible. The*

Art Unit: 2163

*examiner believes it is clear that the reference discloses, or at the very suggest, the use of Boolean AND/OR queries. Such queries are extremely well known in the art.);*

a displaying unit operable to display the search query received by the receiving unit on one region of a screen (*Whitman: Fig. 8 and paragraph [0088], lines 1-4; Note that the top region of the screen displays the users received search query "DOG".*);

a searching unit operable to search the database for at least one data file that satisfies the search query received by the receiving unit (*Whitman: paragraph [0006], lines 8-12 and paragraph [0041] and paragraph [0047]*); and

an extracting unit operable to extract a plurality of frequently-used search keys for each of the fields, from the data file that is a search result by the searching unit (*Whitman: Abstract and paragraph [0011] and paragraph [0026], lines 1-7 and paragraph [0039], lines 1-4*),

the searching unit includes:

a search-key-list displaying unit operable to display a list of the frequently-used search keys extracted for each of the plurality of fields by the extracting unit adjacent the search condition set by the user (*Whitman: Fig. 8, 810 and paragraph [0051], lines 1-4 and paragraph [0088], lines 1-4; Note that the frequently-used search keys are displayed adjacent to the search condition set by the user.*);

a key-selection receiving unit operable to receive, from the user, selection of at least one search key from the list displayed by the search-key-list displaying unit (*Whitman: paragraph [0042], lines 7-13 and paragraph [0051], lines 11-14*); and

selective searching unit operable to add the selected search key selected in the key-selection receiving unit, as an element of the OR search query for each of the fields, to the search query, create a new search query, display the new search query on another region different from

the one region, and search for a desired data file that satisfies the new search query (*Whitman: Fig. 8 and paragraph [0051], lines 11-14 and paragraph [0088]*).

Whitman clearly discloses querying html pages (or a form of text documents) (*Whitman: paragraph [0005], lines 8-10 and paragraph [0032] and Fig. 1*). While Whitman does not mention searching other types of document databases, Whitman does suggest that this search system can be used with a variety of different computer systems (*Whitman: paragraph [0029]*). In light of this fact, it is still important to note that the Whitman references does not explicitly discloses wherein the document data files are patent documents; and wherein each patent document data file including a plurality of search keys for providing clues to know contents of the patent document data files, the search keys being categorized in a plurality of fields including an IPC symbol, an F-term, and a keyword.

However, Nosohara discloses wherein the document data files are patent documents (*Nosohara: column 6, lines 60-63*); and wherein each patent document data file including a plurality of search keys for providing clues to know contents of the patent document data files, the search keys being categorized in a plurality of fields including an IPC symbol, an F-term, and a keyword (*Nosohara: column 3, lines 31-36*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Whitman with the teachings of Nosohara noted above for the purpose of searching a database of patent documents (*Nosohara: column 6, lines 60-63*). The skilled artisan would have been motivated to improve the teachings of Whitman per the above in order to create a search engine which is able to retrieve documents in a variety of languages (*Nosohara: column 9, lines 2-5 and column 10, lines 1-16*).

Art Unit: 2163

3. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitman in view of Nosohara and in further view of U.S. Patent Number 6,249,784 issued to Thomas J. Macke et al. (hereinafter "Macke").

**Claim 2:**

The combination of Whitman and Nosohara discloses all the elements of claim 1, as noted above, and Whitman further discloses wherein the extracting unit includes:

a data-file-list displaying unit operable to display the list of document data files that are search results by the searching unit (*Whitman: Fig. 8, 820*); and

a file-selection receiving unit operable to receive, from the user, selection of a document data file from the list displayed by the data-file-list displaying unit (*Whitman: Fig. 8, 820*).

Whitman does not explicitly disclose wherein the document data files are patent documents. However, Nosohara further discloses wherein the document data files are patent documents (*Nosohara: column 6, lines 60-63*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Whitman with the teachings of Nosohara noted above for the purpose of searching a database of patent documents (*Nosohara: column 6, lines 60-63*). The skilled artisan would have been motivated to improve the teachings of Whitman per the above in order to create a search engine which is able to retrieve documents in a variety of languages (*Nosohara: column 9, lines 2-5 and column 10, lines 1-16*).

The previously mentioned combination does not explicitly disclose a selective extracting unit operable to extract search keys, from the patent document data file selected in the file-selection receiving unit.

However, Macke discloses a selective extracting unit operable to extract search keys, from the document data files selected in the file-selection receiving unit (*Macke: column 8, lines 20-21*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Macke noted above. The skilled artisan would have been motivated to improve the previously mentioned combination per the above such that the user can interactively edit a search query based upon the previously received search results (*Macke: column 8, lines 20-27*).

**Claim 3:**

The combination of Whitman, Nosohara, and Macke discloses all the elements, of claim 2, as noted above, and Macke further discloses:

the file-selection receiving unit receives, from the user, selection of a plurality of document data files one after another from the list displayed by the data-file-list displaying unit (*Macke: column 8, lines 25-28*), and then receives, from the user, one of (a) a key extraction instruction to extract search keys from each of the selected document data files (*Macke: column 8, lines 20-28; The user must, in some way, trigger the extraction module.*) and (b) an output instruction to output each of the selected document data files (*Macke: column 18, lines 30-34; Shows the user selecting parameter that helps determine output. The actual command to search would be the user command to generate output. The user must command the searching module of the invention to generate output.*),

the selective extracting unit extracts search keys from each of the selected document data files when the file-selection receiving unit receives the key extraction instruction (*Macke: column 8, lines 20-28*),

the searching unit, every time when the file-selection receiving unit receives selection of one or a predetermined number of document data files, reads the selected document data files and stores therein the read document data files (*Macke: column 6, lines 57-63*), and

the data searching apparatus further comprises:

a result outputting unit operable to output the document data files stored in the searching unit when the file-selection receiving unit receives the output instruction (*Macke: column 4, lines 9-12*).

Neither Whitman nor Macke discloses wherein the document data files are patent documents. However, Nosohara further discloses wherein the document data files are patent documents (*Nosohara: column 6, lines 60-63*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the previously mentioned combination with the teachings of Nosohara noted above for the purpose of searching a database of patent documents (*Nosohara: column 6, lines 60-63*). The skilled artisan would have been motivated to further improve the previously mentioned combination per the above in order to create a search engine which is able to retrieve documents in a variety of languages (*Nosohara: column 9, lines 2-5 and column 10, lines 1-16*).

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitman in view of Nosohara and in further view of U.S. Patent Application Publication Number 2003/0074671 issued to Tomokazu Murakami et al. (hereinafter "Murakami").



**Claim 17:**

The combination of Whitman and Nosohara discloses all the elements of claim 1, as noted above, but the previously mentioned combination does not explicitly disclose wherein the search key display unit displays the hit ratio.

However, Murakami discloses wherein the search key display unit displays the hit ratio (*Murakami: paragraph [0055], lines 31-35 and Fig. 9, 908; The display and use of a hit ratio or some other form of document relevancy indicator is extremely well known in the art.*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Murakami noted above. The skilled artisan would have been motivated to improve the teachings of Macke per the above such that the results could be returned, ordered, and displayed according to the hit ratio (*Murakami: paragraph [0055], lines 31-35*).

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitman in view of Nosohara and in further view of U.S. Patent Application Publication Number 2003/0187950 issued to Hawley K. Rising III (hereinafter "Rising").

**Claim 20:**

The combination of Whitman and Nosohara discloses all the elements of claim 1, as noted above, and Whitman further discloses wherein the search key display unit simultaneously displays the search keys adjacent to the users displayed query (*Whitman: Fig. 8*).

The previously mentioned combination does not explicitly disclose wherein the search keys are displayed in a plurality of categories to enable a user to paste the displayed search keys so as to modify the search condition of a further search.

However, Rising discloses wherein the search keys are displayed in a plurality of categories to enable a user to paste the displayed search keys so as to modify the search condition of a further search (*Rising: paragraph [0014], lines 29-35*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Rising noted above. The skilled artisan would have been motivated to improve the previously mentioned combination per the above such that the user can easily modify or alter an existing query based upon a library of stored queries (*Rising: paragraph [0014], lines 29-35*). Such a query library would provide the user with the benefit of not having to memorize a query that is commonly, or frequently, used.

### ***Response To Arguments***

#### **Examiner Notes:**

Applicant's arguments are moot in light of the new grounds of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick A. Darno whose telephone number is (571) 272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

Art Unit: 2163

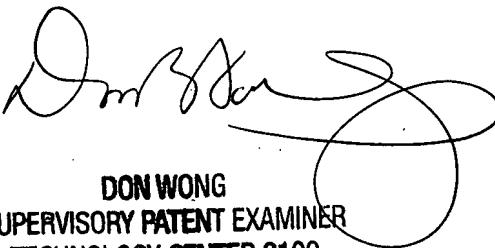
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patrick A. Darno  
Examiner  
Art Unit 2163



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